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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/766,943
Filing Date: January 22, 2001
Appellant(s): GALLANT ET AL.

John E. Harrity
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5-29-07 appealing from the Office action mailed 12-11-06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US006463062B1	Buyukkoc	10-2002
US006751222B1	Noake	6-2004
US006690656B1	Christie'656	2-2004
US006154445A	Farris	11-2000
US005761191A	VanDervort	6-1998
US005276676A	Horn	1-1994
US006633539B1	Basso	10-2003
US006167445A	Gai	12-2000
US 5,896,371	Kobayashi	4-1999
US006222823B1	Smith	4-2001
US006041039A	Kilkki	3-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-3,5,11,12,14-16,18, and 31 are rejected under 35 U.S.C. 102(e) as being

anticipated by Buyukkoc (US 6.463.062).

Regarding claim 1, Buyukkoc discloses an intelligent policy server (see FIG. 7-9,

central Routing Status Database server, RDS) method in an synchronous Transfer Mode (ATM)

network (see FIG. 7-9, ATM network; see col. 19, line 55-60) having an ingress switch (see FIG.

9, ATM switch 922) and an egress switch (see FIG. 9, ATM switch 924), wherein said ingress

switch serves an ingress device (see FIG. 9, switch 912) operated by a calling party (see FIG. 9,

User 902) and said egress switch serves an egress device (see FIG. 9, Switch 914) operated by a

called party (see FIG. 9, user 904); see col. 19, line 61 to col. 20, line 24), comprising the steps

of:

        receiving, in said ingress switch, a signaling message from said ingress device (see FIG.

9, step 810, edge node receive a new call; see col. 19, line 19-26; also see FIG. 10, step

1005,1010,1015,1020,1025,1030; see col. 20, line 50-67);

        providing said signaling message to a signaling intercept processor (see FIG. 7, a link 750

to Regional RSD server, RRSD, 740; see col. 13, line 22-46) associated with said ingress switch

(see col. 47 to col. 14, line 5; see FIG. 8, step 820; see col. 19, line 25-30; edge node send a call

query/message to RSD; also see FIG. 10, step 1035);

        propagating said signaling message to a policy server (see FIG. 7, a link 770 to central

RDS server 730, i.e., Signaling Control Point, SCP), said policy server including at least one

policy profile associated with a plurality of policy features (see col. 14, line 9 to col. 15, line 50; see col. 10, line 10-20; see col. 11, line 1-16; see col. 13, line 1-6, 29-67; RSD contents consists connection rules/policy such as connectively information, threshold, quality of service, capacity, and/or status of loading/congestion), each policy profile of the at least one policy profile being associated with a subscriber (see col. 14, line 35-64; a quality of service rule/policy is one of the rule/policy associated with a call, where a call is associated with a user/subscriber);

determining in said policy server, based at least in part on said signaling message, if a particular policy feature of the plurality of policy features is to be invoked (see FIG. 8, step 840; see FIG. 10, steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; Tables VII-IX; decide how to route the call in accordance RSD contents by determining and triggering/invoking a particular/specific quality-of-service rule/policy of connection rules/policies for received call's priority of traffic);

if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message (see FIG. 8, step 840; see FIG. 10, steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; see col. 19, line 25-40; see col. 21, line 19-30; determines/decides whether the load/congestion/priority/bandwidth/routes/quality-of-service conditions are met/fulfilled);

establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message (see FIG. 8, step 850, 860, 870; see FIG. 10, steps 1045,1050,1055; see col. 14, line 1-65; see col. 19, line 35-50; see col. 21, line 40-50; setting/establishing the call when load/congestion/priority/bandwidth/routes conditions are met/fulfilled).

Regarding claim 14, Buyukkoc discloses an Asynchronous Transfer Mode (ATM)

network (see FIG. 7-9, ATM network; see col. 19, line 55-60) for effectuating intelligent policy

features with respect to a call to be established between two parties (see FIG. 9, a connection

user 904 and 902) via a virtual channel connection (see col. 20, line 1-45; a virtual circuit); see

col. 19, line 61 to col. 20, line 24, comprising:

an ATM switch (see FIG. 9, ATM switch 922) serving a customer premises equipment

(CPE) operated by a party with respect to said call (see FIG. 9, CPE User 902 connects TDM

switch 912; see col. 19, line 64 to col. 20, line 25);

a signaling intercept processor (see FIG. 7, Regional RSD server, RRSD, 740; see col.

13, line 22-46) associated with said ATM switch for intercepting a signaling message relative to

said call (see col. 47 to col. 14, line 5; see FIG. 8, step 820; see col. 19, line 25-30; edge node

send a call query/message to RSD; also see FIG. 10, step 1035);

a policy server (see FIG. 7, central RDS server 730, i.e., Signaling Control Point, SCP)

associated with said signaling intercept processor, said policy server including at least one policy

profile having a plurality of policy features (see col. 14, line 9 to col. 15, line 50; see col. 10, line

10-20; see col. 11, line 1-16; see col. 13, line 1-6, 29-67; RSD contents consists connection

rules/policy such as connectively information, threshold, quality of service, capacity, and/or

status of loading/congestion), the at least one policy being associated with a subscriber (see col.

14, line 35-64; a quality of service rule/policy is one of the rule/policy associated with a call,

where a call is associated with a user/subscriber), wherein said policy server operates to

effectuate a particular policy feature of the plurality of policy feature with respect to said call

when triggered by said signaling message received from said signaling intercept processor (see

FIG. 8, step 840; see FIG. 10, steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; see

col. 19, line 25-40; see col. 21, line 19-30; RSD determines/decides whether a particular/specific

quality-of-service rule/policy of the load/congestion/priority/bandwidth/route/quality-of-service

condition of a new call/connection is met/fulfilled when receiving setup message from a user (via

RRSD)).

Regarding claims 2, 15, Buyukkoc discloses wherein said signaling message comprises

a Connect message (see FIG. 8, step 850, a message which contains a route for new call is the

connect message in ATM signaling/SS7; see col. 19, line 19-25, 40-45; see col. 20, line 39-45).

Regarding claims 3,5,16,18, Buyukkoc discloses wherein said signaling message

comprises an Add Party or setup message (see FIG. 8, steps 820,830; a message which contains a

new call requesting for a route is the SETUP/adding party message in ATM signaling/SS7; see

col. 19, line 19-31; see col. 20, line 46-52; see col. 20, line 39-45; see col. 21, line 19-25).

Regarding claim 11, Buyukkoc discloses an aggregated bandwidth limit feature (see col.

17, line 30-40; see col. 13, line 45-47; total bandwidth).

Regarding claim 12, Buyukkoc discloses a service class selection feature (see col. 10,

line 50-55; see col. 18, line 26-45; class-of-service).

Regarding claim 31, Buyukkoc discloses a service class selection feature for specifying

a service class with respect to a network port used by said party (see col. 10, line 50-55; see col.

18, line 26-45; see FIG. 9, trunk/port 932; see col. 20, line 1-10; selecting a class-of-service for a

port/link/trunk/circuit used by the call).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claim 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc

in view of Noake (US006751222B1).

Regarding claims 4 and 17, Buyukkoc does not explicitly disclose a release message.

However, a release message is well know in the ATM signaling/SS7 in order to disconnect the

call. In particular, Noake teaches a release message (see FIG. 4, RELEASE message; see col. 8,

line 9-39). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to provide a release message, as taught by Noake in the system of

Buyukkoc, so that it would make effective use of a band and the respective apparatus by

transmitting connection information, and by sending/receiving a release message it will notify to

stop the cell assembling and disassembling processes; see Noake col. 2, line 55-64; col. 8, line

19-24.

5.   Claims 6-9,19-21,23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Buyukkoc in view of Christie'656 (US006690656B1).

Regarding claims 6, 8 and 9, Buyukkoc does not explicitly disclose a source address

validation/screening and a destination address screening. However, a source address

validation/screening is well known in the ATM signaling/SS7. In particular, Christie'656 teaches

a source address validation/screening and a destination address screening (see FIG. 7; see col. 7, line 9-19, 35-45; checking/validating caller number in ANI and verifying a dial number). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

Regarding claim 19, Buyukkoc discloses accessing said ATM network through a particular network port associated with said CPE (see FIG. 9, accessing Switch 922 through the trunk/port 932; see col. 20, line 1-10).

Buyukkoc does not explicitly disclose a source address validation for ensuring that said party is an authorized party for accessing the network.

However, a source address validation for ensuring that said party is an authorized party for accessing the network is well known in the art of signaling in order to established the call. In particular, Christie'656 teaches a source address validation for ensuring that said party is an authorized party for accessing the ATM network (see FIG. 7; see col. 7, line 9-19, 35-45; checking/validating caller number in ANI for verification for accessing ATM network). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number to access the ATM network, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

Regarding claim 20, Buyukkoc discloses wherein said particular network port is a Customer Logical Port (see col. 4, line 20-40; see col. 5, line 20-26; edge node/switch provides

logical connection/port between customer and the network). Christie'656 also discloses a

Customer Logical Port (see col. 4, line 35-40; 60-67; a logical/virtual port/link).

Regarding claim 21, Buyukkoc discloses wherein said particular network port is a full

physical port (see FIG. 9, physical trunk/port 932; see col. 20, line 1-10).

Regarding claim 23, Buyukkoc does not explicitly disclose a destination address

screening for defining a plurality of address to which said party can effectuate said call.

However, a destination address/number validation/screening for defining a plurality of

address/numbers to which said party can effectuate said call is well known in the signaling with

SCP. In particular, Christie'656 teaches a destination address screening for defining a plurality of

address to which said party can effectuate said call (see FIG. 7; see col. 7, line 9-19, 35-45; see

col. 15, line 40-60; see col. 2, line 1-15; verifying a dial number from the list of numbers where

the call needs to be connected). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to validate/verify dial number from the list of

number to establish the call, as taught by Christie'656 in the system of Buyukkoc, so that it

would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col.

7, line 39-45.

Regarding claims 25, Buyukkoc does not explicitly disclose a source address screening

for defining a plurality of address from which said call can be initiated to said party. However, a

source address/number validation/screening for defining a plurality of address from which said

call can be initiated to said party is well known in the signaling with SCP. In particular,

Christie'656 teaches a source address screening for defining plurality of address from which said

call can be initiated to said party (see FIG. 7; see col. 7, line 9-19, 35-45; see col. 15, line 40-60;

see col. 2, line 1-15; verifying a caller number, from the list of numbers, to initiate a

call/connection). Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to validate/verify caller number from the list of number to

initiate a call, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate

the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

6.   Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Buyukkoc in view of Farris (US006154445A).

Regarding claim 7, Buyukkoc does not explicitly disclose a maximum call attempt rate

limit. However, having a maximum call attempt rate limit/threshold is well known in the

signaling/SS7. In particular, Farris teaches a maximum call attempt rate limit (see col. 14, line 1-

12; see col. 11, line 5-17; acceptable/maximum specified rate of call attempts). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide acceptable/maximum specified rate of call attempts, as taught by Farris in the

system of Buyukkoc, so that it would can detect the predetermined events and/or imminence of

predetermined events, and then blocking or controlling those events from their incipiency; see

Farris col. 14, line 1-6.

Regarding claim 22, Buyukkoc discloses the number of setup messages as described

above in claim 18.

Buyukkoc does not explicitly disclose a maximum call attempt rate limit for monitoring

the number of messages received from said party over a predetermined period of time. However,

having a maximum call attempt rate limit for monitoring the number of messages received from

said party over a predetermined period of time is well known in the art of signaling and network

management. In particular, Farris teaches a maximum call attempt rate limit for monitoring the

number of setup messages received from said party over a predetermined period of time (see col.

14, line 1-12; see col. 11, line 5-56; acceptable/maximum specified rate of call attempts for

monitoring and determining the number of setup/ISUP messages from calling party per time

period). Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to provide acceptable/maximum specified rate of call attempts and

monitoring process, as taught by Farris in the system of Buyukkoc, for the same motivation as

stated above in claim 7.

7.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in

view of VanDervort (US005761191A), or Horn (US005276676A).

        Regarding claim 10, Buyukkoc discloses a policy feature comprises a maximum size

limit feature (see col. 14, line 15-65; acceptable/maximum load/size/bandwidth before the call

are blocked).

        Buyukkoc does not explicitly disclose burst. However, ATM network having a

rule/policy/policing attribute burst size threshold/limiting for ATM flow control is well known in

the art. In particular, VanDervort teaches a maximum burst size limit/threshold feature (see col.

6, line 8-11; limited/maximum burst size limit/threshold of user cell transmission for policing).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to provide limited/maximum burst size, as taught by VanDervort in the

system of Buyukkoc, so that it would control the flow of traffic and maximize the utilization of

network resources; see VanDervort col. 6, line 1-3.

Buyukkoc does not explicitly disclose burst. In particular, Horn teaches a maximum burst

size limit/threshold feature (see col. 2, line 29-30; maximum burst length is limited by

threshold). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to provide maximum burst length threshold, as taught by Horn in

the system of Buyukkoc, so that it would avoid overflow problem due to long bursts; see Horn

col. 1, line 25-34.

8.   Claims 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Buyukkoc in view of Basso (US006633539B1).

Regarding claim 13, Buyukkoc discloses a policy feature comprises a maximum call

limit feature (see col. 14, line 15-65; acceptable/maximum call load/limit/bandwidth).

Buyukkoc does not explicitly disclose concurrent. However, ATM network having a

maximum concurrent call limit/threshed for call admission control (CAC) is well known in the

art. In particular, Basso teaches a maximum concurrent call limit feature (see col. 4, line 25-35;

maximum allowed/limit number of concurrent connection/call). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to provide

maximum concurrent connection, as taught by Basso in the system of Buyukkoc, so that it would

control concurrent connections/calls to provide efficient protection against signaling congestion;

see Basso col. 2, line 35-45.

Regarding claim 38, Buyukkoc discloses a policy feature comprise a maximum call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by said party (see col. 14, line 10 to col. 15, line 50; see FIG. 9, trunk/port 932; see col. 20, line 1-10; acceptable/allowable total number of calls threshold/limit for a trunk/port).

Buyukkoc does not explicitly disclose concurrent. However, ATM network having a maximum concurrent call limit/threshed for call admission control (CAC) is well known in the art. In particular, Basso teaches a maximum concurrent call limit feature (see col. 4, line 25-35; maximum allowed/limit number of concurrent connection/call). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide maximum concurrent connection, as taught by Basso in the system of Buyukkoc, so that it would control concurrent connections/calls to provide efficient protection against signaling congestion; see Basso col. 2, line 35-45.

9.   Claim 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Christie'656, as set forth above in claim 14, and further in view of Gai (US006167445A).

Regarding claim 24, the combined of Buyukkoc and Christie'656 discloses destination address screening feature is established for a subscriber to which said party belongs as set forth above in claim 23.

Neither Buyukkoc nor Gai explicitly discloses a group of subscribers. However, Gai teaches a policy server (see FIG. 4, policy server 322) comprising the particular policy feature

(see FIG. 4, Policy Rule generation engine 414, policy translator 410, and device-specific

filtering entity; see col. 13, line 61 to col. 14, line 5) including at least one of a destination

screening feature for a group of subscribers to which the party belongs (see col. 14, line 1-15, 56

to col. 15, line 55; applying destination addressing policy rule to a group of users (see FIG. 7A,

marking users, admin users, executive users, etc.) where a specific user (see FIG. 7A, John Doe)

belongs; see col. see col. 14, line 10-18). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to provide a destination screening

feature for a group of subscribers to which the party belongs, as taught by Gai in the combined

system of Buyukkoc and Christie'565, so that it would ability to allocate network services and

resources by applying high-level quality of service policies; see Gai col. 5, line 45-55.

Regarding claim 26, the combined of Buyukkoc and Christie'656 discloses source

address screening feature is established for a subscriber to which said party belongs as set forth

above in claim 25.

Neither Buyukkoc nor Christie'656 explicitly discloses a group of subscribers. However,

Gai teaches a policy server (see FIG. 4, policy server 322) comprising the particular policy

feature (see FIG. 4, Policy Rule generation engine 414, policy translator 410, and device-specific

filtering entity; see col. 13, line 61 to col. 14, line 5) including a source address screening feature

for the group of subscribers to which the party belongs (see col. 14, line 1-15, 56 to col. 15, line

55; applying source addressing policy rule to a group of users (see FIG. 7A, marking users,

admin users, executive users, etc.) where a specific user (see FIG. 7A, John Doe) belongs; see

col. see col. 14, line 10-18). Therefore, it would have been obvious to one having ordinary skill

in the art at the time the invention was made to provide a source address screening feature for the

group of subscribers to which the party belongs, as taught by Gai in the combined system of

Buyukkoc and Christie'656, so that it would ability to allocate network services and resources by

applying high-level quality of service policies; see Gai col. 5, line 45-55.

10.   Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc

in view of Kobayashi (US 5,896,371).

Regarding claims 27, Buyukkoc discloses a maximum burst size limit feature associated

with said call (see col. 14, line 15-65; acceptable/maximum load/size before the call are

blocked).

Buyukkoc does not explicitly disclose limiting a burst-size request. However, limiting a

burst-size request is well known in the art of ATM. In particular, Kobayashi teaches a maximum

burst size limit feature for limiting a burst-size request associated with said call (see FIG. 6; see

col. 12, line 55 to col. 13, line 35; a limiting/setting/changing the number of cells transmitted in

each call). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to limit the number of cells transmitted in each call, as taught by

Kobayashi in the system of Buyukkoc, so that it would provide a flow control performed

cooperatively by the network and the terminal equipment and call accepted control is simplified;

see Kobayashi col. 7, line 46-52; col. 8, line 40-45.

Regarding claim 28, Kobayashi discloses the number of packets per second allowed to

be transmitted to said ATM network with respect to said call (see FIG. 6; see col. 12, line 55 to

col. 13, line 35; a number of cells per second (i.e. 10Mbps) requested to transmit in each call to

ATM network). Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to provide the number of packets per second requested to be

transmitted, as taught by Kobayashi in the system of Buyukkoc, for the same motivation as

above in claim 27.

Regarding claim 29, Kobayashi discloses the number of packets per second allowed to

be received by said party from said ATM network with respect to said call (see FIG. 6; see col.

12, line 55 to col. 13, line 35; a number of cells per second (i.e. 10Mbps) requested to received in

each call from ATM network). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to provide the number of packets per second

requested to be received, as taught by Kobayashi in the system of Buyukkoc, for the same

motivation as above in claim 27.

11.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in

view of Smith (US006222823B1).

Regarding claim 30, Buyukkoc discloses an aggregated bandwidth limit feature for a

particular network port by said party (see FIG. 9, physical trunk/port 932; see col. 20, line 1-10;

col. 17, line 30-40; see col. 13, line 45-47; total bandwidth for the port/link).

Buyukkoc does not explicitly disclose for determining a maximum bandwidth allowable

and authorized for use. However, determining the maximum bandwidth allowable for a particular

port authorized for use by said party is well known in the art of ATM. In particular, Smith

teaches determining the maximum bandwidth allowable for a particular port authorized for use

by said party (see FIG. 1-2; see col. 9, line 5-45, and abstract; determining

predetermined/allowable/authorized bandwidth for a particular port/connection of end station).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to determining predetermined/allowable/authorized bandwidth for a

particular port/connection of end station, as taught by Smith in the system of Buyukkoc, so that it

would cause the system control means to allocate a predetermined bandwidth and balance the

bandwidth; see Smith col. 2, line 35-67; col. 9, line 21-25.

12.   Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc

in view of Kilkki (US006041039A).

Regarding claims 32-37, Buyukkoc discloses service class as described above in claim

31 and 58. Buyukkoc further discloses constant bit rate service (CBR) and variable bit rate

service (VBR) (see col. 1, line 50-60).

Buyukkoc does not explicitly disclose a real-time VBR service, non-real time VBR,

unspecified bit-rate (UBR), and available bit-rate (ABR). However, the ATM class of services a

real-time VBR service, non-real time VBR, unspecified bit-rate (UBR), and available bit-rate

(ABR) is well known in ATM standard. In particular, Kilkki teaches CBR, VBR, a real-time

VBR service, non-real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR) (see

col. 1, line 54-67). Therefore, it would have been obvious to one having ordinary skill in the art

at the time the invention was made to provide quality of service class defined by ATM standard,

as taught by Kilkki in the system of Buyukkoc, so that it would provide a capability to manage

increases in network load, supporting both real-time and non-real time application, and offering,

in certain circumstances, a guaranteed level service quality; see Kilkki col. 1, line 44-53, also by

using the ATM standard services, it will enable the service provider to interoperate between

multi-vendor networks.

13.　　　Claim 39,40-43,45,50 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Buyukkoc in view of Gai (US006167445A).

Regarding claim 39, Buyukkoc discloses a computer-readable medium operable with an

Asynchronous Transfer Mode (ATM) network node (see FIG. 9, ATM switch 922,924), said

computer-readable medium carrying a sequence of instructions provided for executing service

logic which, when executed by a processing entity associated with said ATM network node,

causes said ATM network node to perform the steps of:

upon receiving in said ATM network node a signaling message with respect to a call

from a party (see FIG. 9, User 902); see FIG. 9, step 810, edge node receive a new call; see col.

19, line 19-26; also see FIG. 10, step 1005,1010,1015,1020,1025,1030; see col. 20, line 50-67),

propagating said signaling message to a policy server (see FIG. 7-9, central Routing Status

Database server, RDS) operably associated with said ATM network node (see FIG. 7, a link 770

to central RDS server 730, i.e., Signaling Control Point, SCP); and

upon determining that a policy condition associated with a particular policy feature to be

invoked is satisfied with respect to said signaling message (see FIG. 8, step 840; see FIG. 10,

steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; Tables VII-IX; decide how to route

the call in accordance RSD contents by determining and triggering/invoking a particular/specific

quality-of-service rule/policy of connection rules/policies for received call's priority of traffic),

effectuating a treatment for said call based on said particular policy feature (see FIG. 8, step 850,

860, 870; see FIG. 10, steps 1045,1050,1055; see col. 14, line 1-65; see col. 19, line 35-50; see

col. 21, line 40-50; setting/establishing the call when load/congestion/priority/bandwidth/routes

conditions are met/fulfilled (i.e. carrying/effectuating a action/treatment (by setting/establishing

a call) when load/congestion/priority/bandwidth/routes conditions are met/fulfilled)).).

Buyukkoc does not explicitly disclose <u>one</u> of a destination screening feature for a group

of subscribers to which the party belongs <u>or</u> a source address screening feature for the group of

subscribers. However, Gai teaches a policy server (see FIG. 4, policy server 322) comprising the

particular policy feature (see FIG. 4, Policy Rule generation engine 414, policy translator 410,

and device-specific filtering entity; see col. 13, line 61 to col. 14, line 5) including at least one of

a destination screening feature for a group of subscribers to which the party belongs or a source

address screening feature for the group of subscribers (see col. 14, line 1-15, 56 to col. 15, line

55; applying source or destination addressing policy rule to a group of users (see FIG. 7A,

marking users, admin users, executive users, etc.) where a specific user (see FIG. 7A, John Doe)

belongs; see col. see col. 14, line 10-18). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to provide <u>one</u> of a destination

screening feature for a group of subscribers to which the party belongs <u>or</u> a source address

screening feature for the group of subscribers, as taught by Gai in the system of Buyukkoc, so

that it would ability to allocate network services and resources by applying high-level quality of

service policies; see Gai col. 5, line 45-55.

Regarding claims 40, Buyukkoc discloses establishing a virtual channel connection

between said party and another party for said call (see col. 20, line 5-45; virtual connection

between users).

Regarding claims 41, Buyukkoc discloses denying a virtual channel connection for said

call (see col. 14, line 44-47; see col. 1, line 66-67; call is block, thereby, blocking the virtual

connection due to congestion).

Regarding claim 42, Buyukkoc discloses wherein said signaling message comprises a

Connect message (see FIG. 8, step 850, a message which contains a route for new call is the

connect message in ATM signaling/SS7; see col. 19, line 19-25, 40-45; see col. 20, line 39-45).

Regarding claims 43 and 45, Buyukkoc discloses wherein said signaling message

comprises an Add Party or setup message (see FIG. 8, steps 820,830; a message which contains a

new call requesting for a route is the SETUP/adding party message in ATM signaling/SS7; see

col. 19, line 19-31; see col. 20, line 46-52; see col. 20, line 39-45; see col. 21, line 19-25).

Regarding claim 50, the combined system of Buyukkoc and Gai discloses all limitation

as set forth above in claim 39. Gai disclose a destination address screening and source address

screening feature (see col. 14, line 1-15, 56 to col. 15, line 55; applying source and destination

addressing policy rule; see col. see col. 14, line 10-18). Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to provide a destination

screening feature and a source address screening feature, as taught by Gai in the system of

Buyukkoc, for the same motivation as set forth above in claim 39.

Regarding claim 58, Buyukkoc discloses a service class selection feature for specifying

a service class with respect to a network port used by said party (see col. 10, line 50-55; see col.

18, line 26-45; see FIG. 9, trunk/port 932; see col. 20, line 1-10; selecting a class-of-service for a

port/link/trunk/circuit used by the call).

14.   Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in

view of Gai, as set forth in claim 39 above, and further in view of Noake (US006751222B1).

     Regarding claim 44, neither Buyukkoc nor Gai explicitly disclose a release message.

However, a release message is well know in the ATM signaling/SS7 in order to disconnect the

call. In particular, Noake teaches a release message (see FIG. 4, RELEASE message; see col. 8,

line 9-39). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to provide a release message, as taught by Noake in the combined

system of Buyukkoc and Gai, so that it would make effective use of a band and the respective

apparatus by transmitting connection information, and by sending/receiving a release message it

will notify to stop the cell assembling and disassembling processes; see Noake col. 2, line 55-64;

col. 8, line 19-24.

15.   Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc

in view of Gai, as set forth in claim 39 above, and further in view of Christie'656

(US006690656B1).

     Regarding claim 46, Buyukkoc discloses accessing said ATM network through a

particular network port associated with said CPE (see FIG. 9, accessing Switch 922 through the

trunk/port 932; see col. 20, line 1-10). Gai discloses source address screening feature as set forth

above in claim 39.

     Neither Buyukkoc nor Gai explicitly disclose ensuring that said party is an authorized

party for accessing the network.

However, a source address validation for ensuring that said party is an authorized party for accessing the network is well known in the art of signaling in order to established the call. In particular, Christie'656 teaches a source address validation for ensuring that said party is an authorized party for accessing the ATM network (see FIG. 7; see col. 7, line 9-19, 35-45; checking/validating caller number in ANI for verification for accessing ATM network). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number to access the ATM network, as taught by Christie'656 in the combined system of Buyukkoc and Gai, so that it would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

Regarding claim 47, Buyukkoc discloses wherein said particular network port is a Customer Logical Port (see col. 4, line 20-40; see col. 5, line 20-26; edge node/switch provides logical connection/port between customer and the network). Christie'656 also discloses a Customer Logical Port (see col. 4, line 35-40; 60-67; a logical/virtual port/link).

Regarding claim 48, Buyukkoc discloses wherein said particular network port is a full physical port (see FIG. 9, physical trunk/port 932; see col. 20, line 1-10).

16.   Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Gai, as set forth above in claim 39, and further in view of Farris (US006154445A).

Regarding claim 49, Buyukkoc discloses the number of setup messages (see FIG. 8, steps 820,830; a message which contains a new call requesting for a route is the SETUP/adding party message in ATM signaling/SS7; see col. 19, line 19-31; see col. 20, line 46-52; see col. 20, line 39-45; see col. 21, line 19-25).

Neither Buyukkoc nor Gai explicitly disclose a maximum call attempt rate limit for monitoring the number of messages received from said party over a predetermined period of time. However, having a maximum call attempt rate limit for monitoring the number of messages received from said party over a predetermined period of time is well known in the art of signaling and network management. In particular, Farris teaches a maximum call attempt rate limit for monitoring the number of setup messages received from said party over a predetermined period of time (see col. 14, line 1-12; see col. 11, line 5-56; acceptable/maximum specified rate of call attempts for monitoring and determining the number of setup/ISUP messages from calling party per time period). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide acceptable/maximum specified rate of call attempts and monitoring process, as taught by Farris in the combined system of Buyukkoc and Gai, so that it would can detect the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipiency; see Farris col. 14, line 1-6.

17.   Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Gai, as set forth above in claim 39, and further in view of Basso (US006633539B1).

Regarding claim 65, Buyukkoc discloses a policy feature comprise a maximum call limit feature for specifying the total number of calls allowed concurrently with respect to a network port used by said party (see col. 14, line 10 to col. 15, line 50; see FIG. 9, trunk/port 932; see col. 20, line 1-10; acceptable/allowable total number of calls threshold/limit for a trunk/port).

Neither Buyukkoc nor Gai explicitly disclose concurrent. However, ATM network

having a maximum concurrent call limit/threshed for call admission control (CAC) is well

known in the art. In particular, Basso teaches a maximum concurrent call limit feature (see col. 4,

line 25-35; maximum allowed/limit number of concurrent connection/call). Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention was made to

provide maximum concurrent connection, as taught by Basso in the combined system of

Buyukkoc and Gai, so that it would control concurrent connections/calls to provide efficient

protection against signaling congestion; see Basso col. 2, line 35-45.

18.   Claims 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc

in view of Gai, as set forth in claim 39 above, and further in view of Kobayashi (US 5,896,371).

Regarding claim 54, Buyukkoc discloses a maximum burst size limit feature associated

with said call (see col. 14, line 15-65; acceptable/maximum load/size before the call are

blocked).

Neither Buyukkoc nor Gai explicitly disclose limiting a burst-size request. However,

limiting a burst-size request is well known in the art of ATM. In particular, Kobayashi teaches a

maximum burst size limit feature for limiting a burst-size request associated with said call (see

FIG. 6; see col. 12, line 55 to col. 13, line 35; a limiting/setting/changing the number of cells

transmitted in each call). Therefore, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to limit the number of cells transmitted in each call, as

taught by Kobayashi in the combined system of Buyukkoc and Gai, so that it would provide a

flow control performed cooperatively by the network and the terminal equipment and call

accepted control is simplified; see Kobayashi col. 7, line 46-52; col. 8, line 40-45.

Regarding claim 55, Kobayashi discloses the number of packets per second allowed to

be transmitted to said ATM network with respect to said call (see FIG. 6; see col. 12, line 55 to

col. 13, line 35; a number of cells per second (i.e. 10Mbps) requested to transmit in each call to

ATM network). Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to provide the number of packets per second requested to be

transmitted, as taught by Kobayashi in the combined system of Buyukkoc and Gai, for the same

motivation as above in claim 54.

Regarding claim 56, Kobayashi discloses the number of packets per second allowed to

be received by said party from said ATM network with respect to said call (see FIG. 6; see col.

12, line 55 to col. 13, line 35; a number of cells per second (i.e. 10Mbps) requested to received in

each call from ATM network). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to provide the number of packets per second

requested to be received, as taught by Kobayashi in the combined system of Buyukkoc and Gai,

for the same motivation as above in claim 54.

19.   Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in

view of Gai, as set forth in claim 39, and further in view of Smith (US006222823B1).

Regarding claim 57, Buyukkoc discloses an aggregated bandwidth limit feature for a

particular network port by said party (see FIG. 9, physical trunk/port 932; see col. 20, line 1-10;

col. 17, line 30-40; see col. 13, line 45-47; total bandwidth for the port/link).

Neither Buyukkoc nor Gai explicitly disclose for determining a maximum bandwidth

allowable and authorized for use. However, determining the maximum bandwidth allowable for

a particular port authorized for use by said party is well known in the art of ATM. In particular,

Smith teaches determining the maximum bandwidth allowable for a particular port authorized for

use by said party (see FIG. 1-2; see col. 9, line 5-45, and abstract; determining

predetermined/allowable/authorized bandwidth for a particular port/connection of end station).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to determining predetermined/allowable/authorized bandwidth for a

particular port/connection of end station, as taught by Smith in the combined system of

Buyukkoc and Gai, so that it would cause the system control means to allocate a predetermined

bandwidth and balance the bandwidth; see Smith col. 2, line 35-67; col. 9, line 21-25.

20.   Claims 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc

in view of Gai, as set forth in claim 39, and further in view of Kilkki (US006041039A).

Regarding claims 59-64, Buyukkoc discloses service class as described above in claim

31 and 58. Buyukkoc further discloses constant bit rate service (CBR) and variable bit rate

service (VBR) (see col. 1, line 50-60).

Neither Buyukkoc nor Gai explicitly disclose a real-time VBR service, non-real time

VBR, unspecified bit-rate (UBR), and available bit-rate (ABR). However, the ATM class of

services a real-time VBR service, non-real time VBR, unspecified bit-rate (UBR), and available

bit-rate (ABR) is well known in ATM standard. In particular, Kilkki teaches CBR, VBR, a real-

time VBR service, non-real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR)

(see col. 1, line 54-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide quality of service class defined by ATM standard, as taught by Kilkki in the combined system of Buyukkoc and Gai, so that it would provide a capability to manage increases in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks.

(10) Response to Argument

Section A

A.1. **Regarding claims 1,2,3,5, 15,16,18,** the Appellants argued that, "...Buyukkoc does not disclose or suggest propagation a signaling message to a policy server, where the policy server includes at least one policy profile having a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber...Buyukkoc does not discloses or suggest that RSD server 730, which examiner alleges corresponds to the recited policy server, includes at least one policy profile having a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber...Buyukkoc cannot disclose or suggest determining in the policy server, based at least part on the signaling message, if a particular policy feature of the plurality of policy features is to be invoked; if so determining whether a policy condition associated with the particular policy feature is satisfied with respect to the singling message; and establishing a connection path between the ingress

switch and egress switch based on the determining that the policy condition is satisfied by the

signaling message..." in pages 9-20, 32.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses propagating said signaling message (**see FIG. 8, Step 820;**

see FIG. 10, step 1030; sends setup for a new call to RSD) to a policy server (**see FIG. 7, a**

link 770 to central RDS server 730, i.e., Signaling Control Point, SCP), said policy server

including at least one policy profile having a plurality of policy features (**see col. 14, line 9 to**

col. 15, line 50; see col. 10, line 10-20; see col. 11, line 1-16; see col. 13, line 1-6, 29-67; RSD

contents consists connection rules/policy such as connectively information, threshold,

quality of service, capacity, and/or status of loading/congestion), and where each policy

profile of the at least one policy profile being associated with a subscriber (**see col. 14, line 35-**

64; a quality of service rule/policy is one of the rule/policy associated with a call, where a

call is associated with a user (see FIG. 9)/subscriber/customer(see FIG. 5));

determining in said policy server, based at least in part on said signaling message, if a

particular policy feature of the plurality of policy features is to be invoked (**see FIG. 8, step 840;**

see FIG. 10, steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; Tables VII-IX;

decide how to route the call in accordance RSD contents by determining and

triggering/invoking a particular/specific quality-of-service rule/policy of connection

rules/policies for received call's priority of traffic);

if so, determining whether a policy condition associated with said particular policy

feature is satisfied with respect to said signaling message (**see FIG. 8, step 840; see FIG. 10,**

steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; see col. 19, line 25-40; see col. 21,

line 19-30; determines/decides whether the

load/congestion/priority/bandwidth/routes/quality-of-service conditions are met/fulfilled);

establishing a connection path between said ingress switch and said egress switch based

on said determination that said policy condition is satisfied by said signaling message (see **FIG.**

8, step 850, 860, 870; see FIG. 10, steps 1045,1050,1055; see col. 14, line 1-65; see col. 19,

line 35-50; see col. 21, line 40-50; setting/establishing the call when

load/congestion/priority/bandwidth/routes conditions are met/fulfilled).

In particular, when Examiner asserts Appellants's "**at least one policy profile being**

associated with a subscriber" as Buyukkoc's "**quality of service priority of a request call,**

where a requested call is associated with a user/customer/subscriber".

In general, if Buyukkoc's request call is <u>not</u> associated with user/customer/subscriber

(shown in FIG. 5 and 9) as argued by the Appellants, examiner is <u>not</u> sure whom would that call

is associated with. Moreover, Buyukkoc discloses upon receiving the call (from the

user/customer) verifying QoS policy associated with the call. Thus, it is clear when determining

QoS policy for a call, it is actually determining QoS policy associated with

user/customer/subscriber since the user/customer/subscriber is the one the making the call. In

this case, Buyukkoc tables VII-IX (see col. 14, lines 25 to col. 15, line 50) is used to determine

QoS policy of the call traffic for the user before establishing the connection or before blocking

the call.

In particular **I)** Examiner asserts the applicant's "**policy profile having a plurality of**

policy features" as RSD's "**connection rules/policy such as connectively information,**

threshold, quality of service, capacity, and/or status of loading/congestion".

<u>Applicant disclosure discloses</u>, page 7, lies 11-14, 19-21; page 7, line 1-7 as follows:

"the present invention is related to an intelligent **policy server system** and method for providing multiple service policy service policy feature or option and for **managing bandwidth usage** in the an ATM network...A return message from **the policy server determines whether a call connection can be made through the network or not**...Depending on the triggers associated with a signaling message received in the edge switch, **a particular feature** is invoked and executed by the policy server...**burst-size limit, class-of-service provisioning, maximum concurrent call connections in progress, bandwidth control**...are provided as **exemplary features** implemented in a presently preferred exemplary embodiment of the present invention.." (Emphasis added)

As recited in above rejection, Buyukkoc discloses as follows:

"For each (source, destination) pair in the network, the RSD contains some or all of the following information. Depending on the needs and size of the network, a "destination" could be a terminating switch or it could be a trunk group or virtual path. Connectivity information regarding the set of routes that can be used to interconnect the source and destination. Information about alternate routes. Information on the capacity of each route in the network. Status of all of the routes in the network. **Status could be in the form of free or available capacity or utilization on each link, or could be a status indicator such as "lightly loaded", "heavily loaded", "extreme congestion". The data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic.**
Tables VII-IX show a sample RSD for the network of FIGS. 1-5. The Tables show information for only a limited number of routes, whereas a real RSD would have more complete information. In particular, if there are k routes between each pair of edge nodes and n edge nodes in the network, the total number of rows in the Route Status Table (Table IX) is kn(n-1)/2. The .alpha.-link, .beta.-link, source, destination, and VPI numbers of Tables VII-IX refer to the reference numbers of FIGS. 1-5.
Table VII contains the current usage of each .alpha.-link. Table VII also contains two congestion thresholds for each link, which define three congestion status ranges -- referred to as "green," "yellow," and "red," in increasing order of congestion. A status of "green" may mean that the route has plenty of capacity left and that new calls can be routed there with no difficulty. A status of "yellow" may mean that the link is beginning to get congested and that alternate routes should be used if available. A status of "red" may mean to avoid using the route if at all possible. For example, if a call arrives and all its possible paths are "red," the call may be blocked, depending upon its priority. For example, .alpha.-link 214 has a "green" congestion status when the usage is not greater than 1.4 Gbps, a "yellow" congestion status when the usage is greater than 1.4 Gbps and not greater than 1.8 Gbps, and a "red" congestion status when the usage is greater than 1.8 Gbps. The current usage of .alpha.-link 214 is 1.312 Gbps, so the congestion status is "green." The current usage and congestion status of each link are periodically updated. It may be desirable to define different congestion thresholds for different links, due to factors such as different capacities and different expected usage volumes. In

addition, it is preferable to incorporate a safety margin of additional capacity into the thresholds, because there is some potential for the information in the RSD to be slightly inaccurate or outdated. **While Table VII only shows 2 congestion thresholds that define 3 congestion status for each link, many more thresholds and congestion status may be defined to allow for load balancing, overload control, and priorities for different quality-of-service traffic.**

Table VIII gives the status of the .beta.-links in the network. The information in Table VIII is similar to that in Table VII, but applies to .beta.-links instead of .alpha.-links.

Table IX gives the Route Status Table. The .alpha.-links and .beta.-links associated with each route are identified, and the congestion status for each route is maintained. The congestion status can be periodically updated from the individual link congestion status information in Tables VII and VIII. There are many possible methods for defining Route Status based on Link Status. Route Status could be defined as equal to the status on the most congested link in the route, or as an average of the congestion status values for each link in the route. Many other definitions are possible, and the present invention is not intended to be limited to any particular set of definitions. The Route Status values in Table IX are based on using the status of most congested link on the route from Tables VII and VIII..." see col. 9, line 50 (Emphasis added).

"For example, a particular RRSDS 740 may receive information from several edge nodes 720 regarding the amount of bandwidth that each of the edge nodes uses on a particular .beta.-link 715. RRSDS 740 may aggregate this information into a single piece of information that represents the total bandwidth used on the particular .beta.-link by those edge nodes 720 that are connected to the particular RRSDS 740. CRSDS 730 receives information from each RRSDS 740, and uses this information to compute **the total bandwidth usage** on each .alpha.-link and each .beta.-link..." see col. 13, line 36-46.

In addition, Buyukkoc also discloses

"A new call arrives at originating switch 270, which determines that the call is destined for switch 220. The (origination, destination) information is passed to the RSD, which contains the information shown in Tables VII-IX. **If there are different possible bandwidth requirements for different types of calls, the bandwidth requirement is preferably also passed to the RSD. The RSD uses the information in Table IX to determine that the best route from switch 220 to switch 270 is B2, with a congestion status of "green." The RSD then increments the current usage and congestion status entries for .alpha.-links 224 and 214 in Table VII and .beta.-links 118 and 116 in Table VIII.** Several techniques could be used to update the Status Field in Table IX. For example, it could be updated periodically, or upon a change in a congestion status. When the call ends, or does not make a successful connection, switch 220 and/or switch 270 sends another message to the RSD, and the RSD decrements the current usage on the applicable .alpha.-links and .beta.-links..." see col. 17, line 30-49.

"**Class-of-service on an end-to-end basis may be implemented using the RSD.** Using Method 8, for example, the originating edge node passes a class-of-service indicator to the RSD in addition to the origination and destination information for the call. **The RSD uses the Route**

Status in Table IX to give priority to the more important calls. For example, if the Route Status is Green, any call can use the route. If the status is Yellow, only high priority calls can use the route, and if the status is Red, only the most critical calls can use the route. This example may be generalized to additional congestion status levels. Alternatively, the RSD can route only a fraction of calls of lower priority on more congested routes. For example, if the Route Status is yellow, then a rule might be that 25% of low priority calls and all of the high priority calls can use the route..." see col. 18, line 25-40.

Thus, it clear that the applicant exemplary policy/rule/plan features of a policy profile

such as "**burst-size limit, class-of-service provisioning, maximum concurrent call**

connections in progress, bandwidth control" clearly disclosed by Buyukkoc's SCP

policy/rule/administration/guideline/plan/procedure/scheme having plurality of features such as

bandwidth control/management, class-of-service, and/or loading/congestion of network (i.e.

concurrent calls connection in progress) as defined in detailed by tables VII-IX.

II. Examiner asserts applicant's "**at least one policy profile**" as Buyukkoc's "**quality of**

service priority of a request call".

Buyukkoc discloses:

"Table VII contains the current usage of each .alpha.-link. Table VII also contains two congestion thresholds for each link, which define three congestion status ranges --referred to as "green," "yellow," and "red," in increasing order of congestion. A status of "green" may mean that the route has plenty of capacity left and that new calls can be routed there with no difficulty. A status of "yellow" may mean that the link is beginning to get congested and that alternate routes should be used if available. A status of "red" may mean to avoid using the route if at all possible. **For example, if <u>a call</u> arrives and all its possible paths are "red," the call may be blocked, depending upon <u>its priority</u>**" in col. 14, line 35-46.

While Table VII only shows 2 congestion thresholds that define 3 congestion status for each link, many more thresholds and congestion status may be defined to allow for load balancing, overload control, and **priorities for <u>different quality-of-service traffic</u>**. In col. 14, line 58-64.

Thus, it is also clear that applicant "one policy profile" is disclosed by Buyukkoc as

"quality of service or priority of a new request call" where a new call from a user/customer/

subscriber has a priority associated with different quality of service, and RCD invokes "priority

or quality-of-service" rule/policy for QoS traffic of call which associated/corresponded to a

user/subscriber such as "green", "yellow" or "red" for establishing a call based on its request.

Moreover, it also clear that Buyukkoc discloses determining if a particular policy feature

is to be invoked (i.e. bandwidth control/management, class-of-service, and/or loading/congestion

of network (i.e. concurrent calls connection in progress) in a policy server/RSD, based at least in

part on said signaling/request message, and if so, determining in accordance with a

rule/policy/guide line of bandwidth control/management, class-of-service and/or

loading/congestion of network (i.e. concurrent calls connection in progress) for request/signaling

message and as set forth above rejection.

A.2. **Regarding claim 11**, the Appellants argued that, "…this claims recites addition

features not disclosed by Buyukkoc…claim 11 recites that the particular policy feature comprises

an aggregate bandwidth limit feature…Buyukkoc does not discloses or suggest…the routing

status database, which examiner alleges corresponds to the recited policy server, includes at least

one policy profile having a plurality of policy features, and where each policy profile of the at

least one policy profile is associated with a subscriber and where the particular policy feature

comprises an aggregate bandwidth limit feature…" in pages 20-21.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses the routing status database, which examiner alleges

corresponds to the recited policy server, includes at least one policy profile having a plurality of

policy features, and where each policy profile of the at least one policy profile is associated with

a subscriber as set forth in response A.1 above.

Buyukkoc further discloses the particular policy feature comprises an aggregate

bandwidth limit feature (see col. 17, line 30-40; see col. 13, line 45-47; where one of the

policy/rule is total/aggregated bandwidth).

A.3. **Regarding claim 12, the Appellants argued that, "...Buyukkoc in no way**

discloses or suggest determining a policy server, based at least in part on a signaling massage, if

a particular policy feature of the plurality of policy features is to be invoked, where the particular

policy feature comprises a service class selection feature.." in page 22-23.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses a policy server, based at least in part on a signaling

massage, if a particular policy feature of the plurality of policy features is to be invoked as set

forth in response A.1. above.

Buyukkoc further discloses the particular policy feature comprises a service class

selection feature (see col. 10, line 50-55; see col. 18, line 26-45; one of the specific/particular

policy/rule is a class-of-service, which selectively services/accepted the call based on class of

service).

A.4. **Regarding claims 14-16 and 18, the Appellants argued that, "...Buyukkoc does**

not discloses or suggest a policy server including a policy server associated with said signaling

intercept processor, **said policy server including at least one policy profile having a plurality**

of policy features, the at least one policy being associated with a subscriber, wherein said

policy server operates to effectuate a particular policy feature of the plurality of policy feature

with respect to said call when triggered by said signaling message received from said signaling

intercept processor..." in pages 23-32.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses a policy server (**see FIG. 7, central RDS server 730, i.e.,**

Signaling Control Point, SCP) associated with said signaling intercept processor, said policy

server including at least one policy profile having a plurality of policy features (**see col. 14, line**

9 to col. 15, line 50; see col. 10, line 10-20; see col. 11, line 1-16; see col. 13, line 1-6, 29-67;

RSD contents consists connection rules/policy such as connectively information, threshold,

quality of service, capacity, and/or status of loading/congestion), the at least one policy being

associated with a subscriber (**see col. 14, line 35-64; a quality of service rule/policy is one of**

the rule/policy associated with a call, where a call is associated with a user/subscriber),

wherein said policy server operates to effectuate a particular policy feature of the plurality of

policy feature with respect to said call when triggered by said signaling message received from

said signaling intercept processor (**see FIG. 8, step 840; see FIG. 10, steps 1035,1040; see col.**

13, line 1-7; 64 to col. 14, line 67; see col. 19, line 25-40; see col. 21, line 19-30; RSD

determines/decides whether a particular/specific quality-of-service rule/policy of the

load/congestion/priority/bandwidth/route/quality-of-service condition of a new

call/connection is met/fulfilled when receiving setup message from a user (via RRSD)).

For specific response to those general argument of "RSD server vs. policy server

arguments" and "said policy server including at least one policy profile having a plurality of

policy features, the at least one policy being associated with a subscriber", please see the

response set forth above in A.1.

A.5. **Regarding claim 31, the Appellants argued that, "…**Buyukkoc in no way to disclose or suggest a policy server including a policy server associated with said signaling intercept processor, said policy server including at least one policy profile having a plurality of policy features, the at least one policy being associated with a subscriber, wherein said policy server operates to effectuate a particular policy feature of the plurality of policy feature with respect to said call when triggered by said signaling message received from said signaling intercept processor, where said particular policy feature comprises a service class a service class selection feature for specifying a service class with respect to a network port used by said party…" in page 32-35.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Buyukkoc discloses "a policy server including a policy server associated with said signaling intercept processor…triggered by said signaling message received from said signaling intercept processor" as set forth in response A.4. above.

Buyukkoc further discloses said particular policy feature comprises a service class selection feature for specifying a service class with respect to a network port used by said party (see col. 10, line 50-55; see col. 18, line 26-45; see FIG. 9, trunk/port 932; see col. 20, line 1-10; one/specific policy/rule is selecting a class-of-service for a port/link/trunk/circuit used by the call, since a link is formed in ATM network or any communication between two network ports between to network elements/devices. In other word, when selecting class of service for a link, it is selecting class of service for a network where a link is coupled.

Section B

B.1. **Regarding claim 4, the Appellants argued that,** "…claim 4 recites which includes

feature of claim 1, recites propagating a signaling message, which comprises a Release

message…to "a policy server…to be invoke", Noake in no way disclose or suggest these features

…one skilled in the art would not have been motivated to incorporated this alleged feature of

Noake into the Buyukkoc system, absent impermissible hindsight…" in page 35-39.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 1 limitations "a policy server…to be

invoked", please see above response in A.1. since the combined system of Buyukkoc and Noake

"as a whole" discloses applicant claimed invention.

Buyukkoc discloses a signaling message as set forth above. It is also well known and

established in the art and fundamental step in telecommunication that when disconnecting a

call/connection, the singling system (i.e. ATM signaling/SS7) release allocated resources by

transmission of a Release message so that such recourses can be reallocated to other users for

other calls/connections. In particular, Noake simply further discloses a signaling message of

Buyukkoc as a specific "Release message" (see Noake FIG. 4, RELEASE message; see col. 8,

line 9-39). Therefore, it is clear that the combined system of Buyukkoc and Noake discloses the

applicant claimed invention.

In response to argument that there is no motivation, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to provide a release

message, as taught by Noake in the system of Buyukkoc, so that it would make **effective use of a**

band and the respective apparatus by transmitting connection information, and by

sending/receiving a release message it will notify to stop the cell assembling and

disassembling processes; see Noake col. 2, line 55-64; col. 8, line 19-24.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

B.2. **Regarding claim 17, the Appellants argued that,** "…claim 17 includes feature of

claim 14, recites, "a policy server…by the signaling message…received from the signaling

intercept processor"…Noake merely discloses a Release message… one skilled in the art would

not have been motivated to incorporated this alleged feature of Noake into the Buyukkoc system,

absent impermissible hindsight…" pages 39-42.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 14 limitations "a policy server… by

the signaling message... received from the signaling intercept processor", please see above

response in A.4. since the combined system of Buyukkoc and Noake "as a whole" discloses

applicant claimed invention.

Since claim 17 recites the same limitation as set forth in claim 4, the responses to claim 4

is also applicable to claim 17, and thus please see responses to claim 4 above in B.1.

Section C

C.1-3. **Regarding claims 6,8 and 9, the Appellants argued that, "**....Christie does not

disclose or suggest, "a policy server...with a plurality of policy features" (of claim 1), which

comprises a particular policy feature comprising a source address validation feature (of claim

6)...destination address screening feature (of claim 8)... a source address screening feature (of

claim 9)... thus examiner has not established a prima facie case of obviousness... examiner's

motivation is based on impermissible hindsight..." in pages 43-49.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 1 "a policy server... by the signaling

message... received from the signaling intercept processor", please see above response in A.1.

since the combined system of Buyukkoc and Christie "as a whole" discloses applicant claimed

invention. Buyukkoc disclose policy/rule feature for establishing a connection. Examiner asserts,

"screening" is the same as "validation". Source and destination addresses validation/screening

are well known in the signaling (i.e. ATM signaling/SS7), in order to identify the caller validity.

In particular, Christie'656 teaches a source/destination address validation/screening and a

destination address screening (**see FIG. 7; see col. 7, line 9-19, 35-45; checking/validating**

caller number in ANI and verifying a dial number). The examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so **found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art**. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number (i.e. source address) and dial number (i.e. destination address), as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45. Moreover, as set forth above, examiner is not require to show that Buyukkoc disclose or suggest a desire to change the routing status database server since the motivation to combine can be found "**either in the references themselves or in the knowledge generally available to one of ordinary skill in the art**". In this case, Christie clearly discloses the motivation, and it is also well known knowledge generally available to one of ordinary skill in the art, as set forth above. Thus, it is clear that examiner has established a prima facie case of obviousness and the above motivation statement satisfy requirement of 35 USC 103.

In response to applicant's argument that one would not be motivated to incorporate this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

C.4. **Regarding claims 19-21, the Appellants argued that,** "....Christie does not

discloses or suggest "a policy server...from the signaling intercept processor", where the

particular policy feature comprises a source address validation for ensuring that said party is an

authorized party for accessing the ATM network through a particular network port associated

with said CPE...as recited in claim 19...purported motivation to combined cited references is

merely conclusory and based on impermissible hindsight..." in pages 49-53.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 18 and 14 "a policy server...from the

signaling intercept processor", please see above response in A.1 and A.4. since the combined

system of Buyukkoc and Christie "as a whole" discloses applicant claimed invention. Buyukkoc

discloses accessing said ATM network through a particular network port associated with said

CPE (see FIG. 9, accessing Switch 922 through the trunk/port 932; see col. 20, line 1-10). Source

and destination addresses validation/screening are well known in the signaling (i.e. ATM

signaling/SS7), in order to identify the caller validity. Moreover, a source address validation for

ensuring that said party is an authorized party for accessing the network is well known in the art

of signaling in order to established the call. In particular, Christie'656 teaches a source address

validation for ensuring that said party is an authorized party for accessing the ATM network (see

FIG. 7; see col. 7, line 9-19, 35-45; checking/validating caller number in ANI for verification for

accessing ATM network). Therefore, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to validate/verify the caller number to access the ATM

network, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the

calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

C.5. **Regarding claims 23 and 24, the Appellants argued that,** "....Christie does not

disclose or suggest "a policy server...from the signaling intercept processor" where the particular

policy feature comprises a destination address screening for defining a plurality of address to

which said party can effectuate said call... purported motivation to combined cited references is

merely conclusory and based on impermissible hindsight..." in pages 53-58.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 18 and 14 "a policy server...from the

signaling intercept processor", please see above response in A.1 and A.4. since the combined

system of Buyukkoc and Christie "as a whole" discloses applicant claimed invention. A

destination address/number validation/screening for defining a plurality of address/numbers to

which said party can effectuate said call is well known in the signaling with SCP. In particular,

Christie'656 teaches a destination address screening for defining a plurality of address to which

said party can effectuate said call (see FIG. 7; see col. 7, line 9-19, 35-45; see col. 15, line 40-60;

see col. 2, line 1-15; verifying a dial number from the list of numbers where the call needs to be

connected). Therefore, it would have been obvious to one having ordinary skill in the art at the

time the invention was made to validate/verify dial number from the list of number to establish

the call, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the

calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

C.6. **Regarding claim 25, the Appellants argued that,** "....Christie does not disclose or suggest "a policy server...from the signaling intercept processor" where the particular policy feature comprises a source address screening for defining plurality of address from which said call can be initiated to said party ... purported motivation to combined cited references is merely conclusory and based on impermissible hindsight..." in pages 59-63.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Regarding argument with respect to claim 18 and 14 "a policy server...from the signaling intercept processor", please see above response in A.1 and A.4. since the combined system of Buyukkoc and Christie "as a whole" discloses applicant claimed invention. A source address/number validation/screening for defining a plurality of address from which said call can be initiated to said party is well known in the signaling with SCP. In particular, Christie'656 teaches a source address screening for defining plurality of address from which said call can be initiated to said party (see FIG. 7; see col. 7, line 9-19, 35-45; see col. 15, line 40-60; see col. 2, line 1-15; verifying a caller number, from the list of numbers, to initiate a call/connection). Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to validate/verify caller number from the list of number to initiate a call, as

taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and

generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time-the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

Section D

D.1. **Regarding claim 7, the Appellants argued that,** "....Farris does not disclose or

suggest, "a policy server...with a plurality of policy features," (as recited by claim 1), which

comprises a particular policy feature comprising a maximum call attempt rate limit ... purported

motivation to combined cited references is merely conclusory and based on impermissible

hindsight..." in pages 63-65.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 1 limitations "a policy server... with

a plurality of policy features", please see above response in A.1. since the combined system of

Buyukkoc and Farris "as a whole" discloses applicant claimed invention. Having a maximum

call attempt rate limit/threshold is well known in the signaling/SS7. In particular, Farris teaches a

maximum call attempt rate limit (**see col. 14, line 1-12; see col. 11, line 5-17;**

acceptable/maximum specified rate of call attempts).

The examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so **found either in the references themselves or in**

the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837

F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art

at the time the invention was made to provide acceptable/maximum specified rate of call

attempts, as taught by Farris in the system of Buyukkoc, so that it would can detect the

predetermined events and/or imminence of predetermined events, and then blocking or

controlling those events from their incipiency; see Farris col. 14, line 1-6. Moreover, as set forth

above, examiner is <u>not require</u> to show that Buyukkoc disclose or suggest a desire to change the

routing status database server since the motivation to combine can be found "**<u>either in the</u>**

<u>references themselves</u> or in the knowledge generally available to one of ordinary skill in the

art". In this case, Farris clearly discloses the motivation, and it is also well known knowledge

generally available to one of ordinary skill in the art, as set forth above. Thus, it is clear that

examiner has established a prima facie case of obviousness and the above motivation statement

satisfy requirement of 35 USC 103.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

D.2. Regarding claim 22, the Appellants argued that, "....Farris does not disclose or

suggest, "a policy server...with a plurality of policy features...over a predetermined period of

time," (as recited by claim 14 and 18), which comprises a particular policy feature comprising a

maximum call attempt rate limit ... purported motivation to combined cited references is merely

conclusory and based on impermissible hindsight..." in pages 65-68.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 14 and 18 limitations "a policy

server...with a plurality of policy features...over a predetermined period of time", please see

above response in section A.1 and A.4. since the combined system of Buyukkoc and Farris "as a

whole" discloses applicant claimed invention. However, having a maximum call attempt rate

limit for monitoring the number of messages received from said party over a predetermined

period of time is well known in the art of signaling and network management. In particular,

Farris teaches a maximum call attempt rate limit for monitoring the number of setup messages

received from said party over a predetermined period of time (see col. 14, line 1-12; see col. 11,

line 5-56; acceptable/maximum specified rate of call attempts for monitoring and determining

the number of setup/ISUP messages from calling party per time period). Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to provide

acceptable/maximum specified rate of call attempts and monitoring process, as taught by Farris

in the system of Buyukkoc, so that it would can detect the predetermined events and/or

imminence of predetermined events, and then blocking or controlling those events from their

incipiency; see Farris col. 14, line 1-6.

    Moreover, as set forth above, examiner is <u>not require</u> to show that Buyukkoc disclose or

suggest a desire to change the routing status database server since the motivation to combine can

be found "**either in the references themselves or in the knowledge generally available to one**

of ordinary skill in the art". In this case, Farris clearly discloses the motivation, and it is also

well known knowledge generally available to one of ordinary skill in the art, as set forth above.

Thus, it is clear that examiner has established a prima facie case of obviousness and the above

motivation statement satisfy requirement of 35 USC 103.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

Section E

E.1. Regarding claim 10, the Appellants argued that, "....Vandervort does not disclose

or suggest, "a policy server...with a plurality of policy features," (as recited by claim 1), which

comprises a particular policy feature comprising a maximum burst size limit ... purported

motivation to combined cited references is merely conclusory and based on impermissible

hindsight..." in pages 63-65.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 1 limitations "a policy server... a

plurality of policy features", please see above response in section A.1. since the combined

system of Buyukkoc and Vandervort "as a whole" discloses applicant claimed invention. ATM

network having a rule/policy/policing attribute burst size threshold/limiting for ATM flow

control is well known in the art. In particular, VanDervort teaches a maximum burst size

limit/threshold feature (**see col. 6, line 8-11; limited/maximum burst size limit/threshold of**

user cell transmission for policing).

The examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so **found either in the references themselves or in**

the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837

F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art

at the time the invention was made to provide limited/maximum burst size, as taught by

VanDervort in the system of Buyukkoc, so that it would control the flow of traffic and maximize

the utilization of network resources; see VanDervort col. 6, line 1-3

Moreover, as set forth above, examiner is <u>not require</u> to show that Buyukkoc disclose or

suggest a desire to change the routing status database server since the motivation to combine can

be found "**<u>either in the references themselves</u> or in the knowledge generally available to one**

of ordinary skill in the art". In this case, VanDervort clearly discloses the motivation, and it is

also well known knowledge generally available to one of ordinary skill in the art, as set forth

above. Thus, it is clear that examiner has established a prima facie case of obviousness and the

above motivation statement satisfy requirement of 35 USC 103.

In response to applicant's argument that one would not be motivated to incorporate this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Section F

F.1. **Regarding claim 10, the Appellants argued that,** "….Horn does not disclose or suggest, "a policy server…with a plurality of policy features," (as recited by claim 1), which comprises a particular policy feature comprising a maximum burst size limit … purported motivation to combined cited references is merely conclusory and based on impermissible hindsight…" in pages 70-72.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Regarding argument with respect to claim 1 limitations "a policy server… a plurality of policy features", please see above response in section A.1. since the combined

system of Buyukkoc and Horn "as a whole" discloses applicant claimed invention. ATM

network having a rule/policy/policing attribute burst size threshold/limiting for ATM flow

control is well known in the art. In particular, Horn teaches a maximum burst size limit/threshold

feature (**see col. 2, line 29-30; maximum burst length is limited by threshold**).

The examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so **found either in the references themselves or in**

the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837

F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992). Also, in this case, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to provide maximum burst length threshold, as taught

by Horn in the system of Buyukkoc, so that it would avoid overflow problem due to long bursts;

see Horn col. 1, line 25-34.

Moreover, as set forth above, examiner is <u>not require</u> to show that Buyukkoc disclose or

suggest a desire to change the routing status database server since the motivation to combine can

be found "<u>**either in the references themselves** or in the knowledge generally available to one</u>

of ordinary skill in the art". In this case, Horn clearly discloses the motivation, and it is also

well known knowledge generally available to one of ordinary skill in the art, as set forth above.

Thus, it is clear that examiner has established a prima facie case of obviousness and the above

motivation statement satisfy requirement of 35 USC 103.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

<u>**Section G**</u>

<u>**G.1.**</u> **Regarding claim 13, the Appellants argued that,** "....Basso does not disclose or suggest, "a policy server...with a plurality of policy features," (as recited by claim 1), which comprises a particular policy feature comprising a maximum concurrent call limit feature... purported motivation to combined cited references is merely conclusory and based on impermissible hindsight..." in pages 72-74.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Regarding argument with respect to claim 1 limitations "a policy server... a plurality of policy features", please see above response in section A.1. since the combined system of Buyukkoc and basso "as a whole" discloses applicant claimed invention. Buyukkoc discloses a policy feature comprises a maximum call limit feature (see col. 14, line 15-65;

acceptable/maximum call load/limit/bandwidth). ATM network having a maximum concurrent

call limit/threshed for call admission control (CAC) is well known in the art. In particular, Basso

teaches a maximum concurrent call limit feature (**see col. 4, line 25-35; maximum**

allowed/limit number of concurrent connection/call). The examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the prior art to

produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and

In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to provide

maximum concurrent connection, as taught by Basso in the system of Buyukkoc, so that it would

control concurrent connections/calls to provide efficient protection against signaling congestion;

see Basso col. 2, line 35-45. Moreover, as set forth above, examiner is not require to show that

Buyukkoc disclose or suggest a desire to change the routing status database server since the

motivation to combine can be found "**either in the references themselves or in the knowledge**

generally available to one of ordinary skill in the art". In this case, Basso clearly discloses the

motivation, and it is also well known knowledge generally available to one of ordinary skill in

the art, as set forth above. Thus, it is clear that examiner has established a prima facie case of

obviousness and the above motivation statement satisfy requirement of 35 USC 103.

  In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

G.2. **Regarding claim 38, the Appellants argued that,** "….Basso does not disclose or

suggest, "a policy server…with a plurality of policy features" (as recited by claim 14), which

comprises a particular policy feature comprising a maximum concurrent call limit feature for

specifying the total number of call allowed concurrently with respect to a network port used by

the party… purported motivation to combined cited references is merely conclusory and based

on impermissible hindsight…" in pages 74-77.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 1 limitations "a policy server… a

plurality of policy features", please see above response in section A.4. since the combined

system of Buyukkoc and basso "as a whole" discloses applicant claimed invention. In particular,

Buyukkoc discloses a policy feature comprise a maximum call limit feature for specifying the

total number of calls allowed concurrently with respect to a network port used by said party (see

col. 14, line 10 to col. 15, line 50; see FIG. 9, trunk/port 932; see col. 20, line 1-10;

acceptable/allowable total number of calls threshold/limit for a trunk/port). ATM network having

a maximum concurrent call limit/threshed for call admission control (CAC) is well known in the

art. Basso teaches a maximum concurrent call limit feature (**see col. 4, line 25-35; maximum**

allowed/limit number of concurrent connection/call). The examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the prior art to

produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and

In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to provide

maximum concurrent connection, as taught by Basso in the system of Buyukkoc, so that it would

control concurrent connections/calls to provide efficient protection against signaling congestion;

see Basso col. 2, line 35-45. Moreover, as set forth above, examiner is <u>not require</u> to show that

Buyukkoc disclose or suggest a desire to change the routing status database server since the

motivation to combine can be found "**<u>either in the references themselves</u> or in the knowledge**

generally available to one of ordinary skill in the art". In this case, Basso clearly discloses the

motivation, and it is also well known knowledge generally available to one of ordinary skill in

the art, as set forth above. Thus, it is clear that examiner has established a prima facie case of

obviousness and the above motivation statement satisfy requirement of 35 USC 103.

  In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

Section H

H.1. **Regarding claim 24, the Appellants argued that, "**....Gai does not remedy the

deficiencies in the disclosure of Buyukkoc and Christie set forth above with respect to claim

23...Appellants submits that this claim is patentable over Buyukkoc, Christie and Gai whether

taken alone or in any reasonable combination, for at least the reasons given above with respect to

claim 23 ..." in page 77.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Since the appellant argument is respect to claim 23, please see above response

set forth in section C.5 with respect to claim 23.

H.5. **Regarding claim 25, the Appellants argued that, "**....Gai does not remedy the

deficiencies in the disclosure of Buyukkoc and Christie set forth above with respect to claim

25...Appellants submits that this claim is patentable over Buyukkoc, Christie and Gai whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 25 ..." in page 77.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Since the appellant argument is respect to claim 25, please see above response set forth in section C.6 with respect to claim 25.

Section I

I.1. Regarding claims 27-29, the Appellants argued that, "....Kobayashi does not disclose or suggest, "a policy server that includes...a plurality of policy features" (with respect to claim 14)...which comprises a particular policy feature comprising a maximum burst size limit feature for limiting a burst-size request associated with said call... purported motivation to combined cited references is merely conclusory and based on impermissible hindsight..." in pages 77-80.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Regarding argument with respect to claim 14 limitations "a policy server... a plurality of policy features", please see above response in section A.4. since the combined system of Buyukkoc and Kobayashi "as a whole" discloses applicant claimed invention. Buyukkoc discloses a maximum burst size limit feature associated with said call (**see col. 14, line 15-65; acceptable/maximum load/size before the call are blocked**). However, limiting a burst-size request is well known in the art of ATM. In particular, Kobayashi teaches a maximum burst size limit feature for limiting a burst-size request associated with said call (**see FIG. 6; see col. 12, line 55 to col. 13, line 35; a limiting/setting/changing the number of cells transmitted**

in each call). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to limit the number of cells transmitted in each call, as taught by Kobayashi in the system of Buyukkoc, so that it would provide a flow control performed cooperatively by the network and the terminal equipment and call accepted control is simplified; see Kobayashi col. 7, line 46-52; col. 8, line 40-45.

In response to applicant's argument that one would not be motivated to incorporate this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

<u>Section J</u>

J.1. **Regarding claims 30, the Appellants argued that,** "...Smith does not remedy the deficiencies in the disclosure of Buyukkoc set forth above with respect to claim 18...Appellants submits that this claim is patentable over Buyukkoc, and Smith whether taken alone or in any

reasonable combination, for at least the reasons given above with respect to claim 18 ..." in

pages 80.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Since the appellant argument is respect to claim 18, please see above response

set forth in section A.1 with respect to claim 18.

Section K

K.1. **Regarding claim 32, the Appellants argued that,** "....Buyukkoc does not disclose

or suggest, "a policy server that includes...a plurality of policy features associated with a policy

profile...comprises a service class selection feature for specifying a service class with respect to

a network port used by the party" (with respect to claim 14 and 31)...where the service class

comprises a CBR service..." in pages 80-82.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 14 and 31 limitations "a policy

server that includes...a plurality of policy features associated with a policy profile...comprises a

service class selection feature for specifying a service class with respect to a network port used

by the party", please see above response in section A.4. Buyukkoc further discloses constant bit

rate service (CBR)) **(see col. 1, line 50-60, CBR).**

K.2. **Regarding claim 33-35, the Appellants argued that,** "....Buyukkoc does not

disclose or suggest, "a policy server that includes...a plurality of policy features associated with

a policy profile...comprises a service class selection feature for specifying a service class with

respect to a network port used by the party" (with respect to claim 14 and 31)...where the service

class comprises a VBR service..." in pages 80-83.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 14 and 31 limitations "a policy

server that includes...a plurality of policy features associated with a policy profile...comprises a

service class selection feature for specifying a service class with respect to a network port used

by the party", please see above response in section A.4. Buyukkoc further discloses variable bit

rate service (VBR) **(see col. 1, line 50-60, VBR)**.

K.3. **Regarding claim 36, the Appellants argued that,** "....Buyukkoc does not disclose

or suggest, "a policy server that includes...a plurality of policy features associated with a policy

profile...comprises a service class selection feature for specifying a service class with respect to

a network port used by the party" (with respect to claim 14 and 31)...where the service class

comprises a UBR service... purported motivation to combined cited references is merely

conclusory and based on impermissible hindsight..." in pages 83-85

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Regarding argument with respect to claim 14 and 31 limitations "a policy

server that includes...a plurality of policy features associated with a policy profile...comprises a

service class selection feature for specifying a service class with respect to a network port used

by the party", please see above response in section A.4. since the combined system of Buyukkoc

and Kilkki "as a whole" discloses applicant claimed invention. However, the ATM class of

services a unspecified bit-rate (UBR) is well known in ATM standard. In particular, Kilkki

teaches unspecified bit-rate (UBR) (see col. 1, line 54-67). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to provide

quality of service class defined by ATM standard, as taught by Kilkki in the system of

Buyukkoc, so that it would provide a capability to manage increases in network load, supporting

both real-time and non-real time application, and offering, in certain circumstances, a guaranteed

level service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it

will enable the service provider to interoperate between multi-vendor networks.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

K.4. **Regarding claim 37, the Appellants argued that,** "....Kilkki does not disclose or

suggest, "a policy server that includes...a plurality of policy features associated with a policy

profile...comprises a service class selection feature for specifying a service class with respect to

a network port used by the party" (with respect to claim 14 and 31)...where the service class

comprises a UBR service... purported motivation to combined cited references is merely conclusory and based on impermissible hindsight..." in pages 85-88.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Regarding argument with respect to claim 14 and 31 limitations "a policy server that includes...a plurality of policy features associated with a policy profile...comprises a service class selection feature for specifying a service class with respect to a network port used by the party", please see above response in section A.4. since the combined system of Buyukkoc and Kilkki "as a whole" discloses applicant claimed invention.

However, the ATM class of services available bit-rate (ABR) is well known in ATM standard. In particular, Kilkki teaches available bit-rate (ABR) (see col. 1, line 54-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide quality of service class defined by ATM standard, as taught by Kilkki in the system of Buyukkoc, so that it would provide a capability to manage increases in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks.

In response to applicant's argument that one would not be motivated to incorporate this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

<u>Section L</u>

<u>L.1.</u> Regarding claims 39-43,45 and 50, the Appellants argued that, "...Independent claim 39 is directed to a compute-readable operable with an Asynchronous Transfer Mode (ATM) network, where the computer-readable medium carries a sequence of instruction provided for executing service logic which, when executed by a processing entity associated with ATM network node...for the group of subscribers. Buyukkoc and Gai whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features... purported motivation to combined cited references is merely conclusory and based on impermissible hindsight..." in page 88-97.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Buyukkoc discloses a computer-readable medium operable with an Asynchronous Transfer Mode (ATM) network node (**see FIG. 9, ATM switch 922,924**), said computer-readable medium carrying a sequence of instructions provided for executing service logic which, when executed by a processing entity associated with said ATM network node, causes said ATM network node to perform the steps of: upon receiving in said ATM network

node a signaling message with respect to a call from a party (**see FIG. 9, User 902**); **see FIG. 9,**

step 810, edge node receive a new call; see col. 19, line 19-26; also see FIG. 10, step

1005,1010,1015,1020,1025,1030; see col. 20, line 50-67), propagating said signaling message to

a policy server (**see FIG. 7-9, central Routing Status Database server, RDS**) operably

associated with said ATM network node (**see FIG. 7, a link 770 to central RDS server 730, i.e.,**

Signaling Control Point, SCP); and upon determining that a policy condition associated with a

particular policy feature to be invoked is satisfied with respect to said signaling message (**see**

FIG. 8, step 840; see FIG. 10, steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67;

Tables VII-IX; decide how to route the call in accordance RSD contents by determining

and triggering/invoking a particular/specific quality-of-service rule/policy of connection

rules/policies for received call's priority of traffic), effectuating a treatment for said call based

on said particular policy feature (**see FIG. 8, step 850, 860, 870; see FIG. 10, steps**

1045,1050,1055; see col. 14, line 1-65; see col. 19, line 35-50; see col. 21, line 40-50;

setting/establishing the call when load/congestion/priority/bandwidth/routes conditions are

met/fulfilled (i.e. carrying/effectuating a action/treatment (by setting/establishing a call)

when load/congestion/priority/bandwidth/routes conditions are met/fulfilled)).).

For specific response to those general argument of "said policy server including at least

one policy profile having a plurality of policy features, the at least one policy being associated

with a subscriber", please see the response set forth above in A.1.

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the combined system

of Buyukkoc and Gai "as a whole" discloses applicant claimed invention.

The examiner recognizes that obviousness can only be established by combining or

modifying the teachings of the prior art to produce the claimed invention where there is some

teaching, suggestion, or motivation to do so **found either in the references themselves or in**

the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837

F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992). In this case, it would have been obvious to one having ordinary skill in the art

at the time the invention was made to provide <u>one</u> of a destination screening feature for a group

of subscribers to which the party belongs <u>or</u> a source address screening feature for the group of

subscribers, as taught by Gai in the system of Buyukkoc, so that it would ability to allocate

network services and resources by applying high-level quality of service policies; see Gai col. 5,

line 45-55. Moreover, as set forth above, examiner is <u>not require</u> to show that Buyukkoc

disclose or suggest a desire to change the routing status database server since the motivation to

combine can be found "<u>**either in the references themselves**</u> **or in the knowledge generally**

available to one of ordinary skill in the art". In this case, Gai clearly discloses the motivation

as set forth above. Thus, it is clear that examiner has established a prima facie case of

obviousness and the above motivation statement satisfy requirement of 35 USC 103.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

L.2. Regarding claim 58, the Appellants argued that, "...Buyukkoc does not disclose

or suggest effectuating a treatment for a call based on a particular policy feature, where the

particular policy feature comprises a service class selection for specifying a service class with

respect to a network port used by said party..." in pages 96-97.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses effectuating a treatment for a call based on a particular

policy feature as set forth in section L.1. Buyukkoc discloses a service class selection feature for

specifying a service class with respect to a network port used by said party (**see col. 10, line 50-**

55; see col. 18, line 26-45; see FIG. 9, trunk/port 932; see col. 20, line 1-10; selecting a class-

of-service for a port/link/trunk/circuit used by the call).

Section M

M.1. Regarding claim 44, the Appellants argued that, "...claim 44, which includes the

features of claim 39, recites...propagation a signaling message, which comprises a Release

message, to a policy server operably associated with an ATM network node that received the

signaling message. Noake in no way discloses or suggest these features... purported motivation

to combined cited references is merely conclusory and based on impermissible hindsight..." see

pages 97-99.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses propagation a signaling message, to a policy server

operably associated with an ATM network node that received the signaling message as set forth

above in section L.1. since the combined system of Buyukkoc and Noake "as a whole" discloses

applicant claimed invention. A release message is well know in the ATM signaling/SS7 in order

to disconnect the call. In particular, Noake teaches a release message (see FIG. 4, RELEASE

message; see col. 8, line 9-39). Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to provide a release message, as taught by

Noake in the combined system of Buyukkoc and Gai, so that it would make effective use of a

band and the respective apparatus by transmitting connection information, and by

sending/receiving a release message it will notify to stop the cell assembling and disassembling

processes; see Noake col. 2, line 55-64; col. 8, line 19-24.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Section N

N.1. **Regarding claim 46-48, the Appellants argued that,** "...claims 46-48 are patentable over Buyukkoc, Gai and Christie whether taken alone or in any reasonable combination, for at least the reason given above with respect to claim 39..." in page 99.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Since the appellant argument is respect to claim 39, please see above response set forth in section L.1 with respect to claim 39.

Section Q

Q.1. **Regarding claim 49, the Appellants argued that,** "...Farris does not disclose or suggest, effectuating a treatment for the call based on the particular policy feature (of claim 39) for monitoring the number of setup messages received from the party over a predetermined period of time... purported motivation to combined cited references is merely conclusory and based on impermissible hindsight..." in page 100-101.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Buyukkoc discloses propagation a signaling message, to a policy server

operably associated with an ATM network node that received the signaling message as set forth

above in section L.1. since the combined system of Buyukkoc, Gai and Farris "as a whole"

discloses applicant claimed invention. Buyukkoc discloses the number of setup messages (see

FIG. 8, steps 820,830; a message which contains a new call requesting for a route is the

SETUP/adding party message in ATM signaling/SS7; see col. 19, line 19-31; see col. 20, line

46-52; see col. 20, line 39-45; see col. 21, line 19-25). Having a maximum call attempt rate limit

for monitoring the number of messages received from said party over a predetermined period of

time is well known in the art of signaling and network management. In particular, Farris teaches

a maximum call attempt rate limit for monitoring the number of setup messages received from

said party over a predetermined period of time (see col. 14, line 1-12; see col. 11, line 5-56;

acceptable/maximum specified rate of call attempts for monitoring and determining the number

of setup/ISUP messages from calling party per time period). Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to provide

acceptable/maximum specified rate of call attempts and monitoring process, as taught by Farris

in the combined system of Buyukkoc and Gai, so that it would can detect the predetermined

events and/or imminence of predetermined events, and then blocking or controlling those events

from their incipiency; see Farris col. 14, line 1-6.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

Section P

P.1. Regarding claim 54-56, the Appellants argued that, "…claims 54-56 are

patentable over Buyukkoc, Gai and Christie whether taken alone or in any reasonable

combination, for at least the reason given above with respect to claim 45…" in page 102.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Since the appellant argument is respect to claim 45, please see above response

set forth in section L.1 with respect to claim 45.

Section Q

P.1. Regarding claim 57, the Appellants argued that, "…claims 54-56 are patentable

over Buyukkoc, Gai and Smith whether taken alone or in any reasonable combination, for at

least the reason given above with respect to claim 45…" in page 102.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Since the appellant argument is respect to claim 45, please see above response set forth in section L.1 with respect to claim 45.

<u>Section R</u>

R.1. **Regarding claim 59, the Appellants argued that,** "...Buyukkoc does not disclose or suggest the particular policy feature comprises a service class selection feature of specifying a service class with respect to a network port used by the party (as disclosed by claim 45 and 39), where the service class comprises a CBR service..." in page 102-103.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Buyukkoc discloses particular policy feature comprises a service class selection feature of specifying a service class with respect to a network port used by the party as set forth above in section L.1. since the combined system of Buyukkoc, Gai and Kilkki "as a whole" discloses applicant claimed invention. The ATM class of services a real-time VBR service, non-real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR) is well known in ATM standard. Buyukkoc further discloses constant bit rate service (CBR) **(see col. 1, line 50-60; CBR).**

R.2. **Regarding claim 60-62, the Appellants argued that,** "...Buyukkoc does not disclose or suggest the particular policy feature comprises a service class selection feature of specifying a service class with respect to a network port used by the party (as disclosed by claim 58 and 39), where the service class comprises a VBR service..." in page 103-104.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Buyukkoc discloses particular policy feature comprises a service class selection

feature of specifying a service class with respect to a network port used by the party as set forth

above in section L.1. since the combined system of Buyukkoc, Gai and Kilkki "as a whole"

discloses applicant claimed invention. The ATM class of services a real-time VBR service, non-

real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR) is well known in ATM

standard. Buyukkoc further discloses constant bit rate service (VBR) **(see col. 1, line 50-60;**

VBR).

R.3. Regarding claim 63, the Appellants argued that, "...Kilkki does not disclose or

suggest the particular policy feature comprises a service class selection feature of specifying a

service class with respect to a network port used by the party (as disclosed by claim 58 and 39),

where the service class comprises a UBR service... purported motivation to combined cited

references is merely conclusory and based on impermissible hindsight..." in page 105-106.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses particular policy feature comprises a service class selection

feature of specifying a service class with respect to a network port used by the party as set forth

above in section L.1. since the combined system of Buyukkoc, Gai and Kilkki "as a whole"

discloses applicant claimed invention. The ATM class of services a real-time VBR service, non-

real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR) is well known in ATM

standard. Kilkki teaches unspecified bit-rate (UBR) (see col. 1, line 54-67; UBR). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide quality of service class defined by ATM standard, as taught by Kilkki in the

combined system of Buyukkoc and Gai, so that it would provide a capability to manage increases

in network load, supporting both real-time and non-real time application, and offering, in certain

circumstances, a guaranteed level service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks.

In response to applicant's argument that one would not be motivated to incorporate this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

R.3. **Regarding claim 64, the Appellants argued that,** "...Kilkki does not disclose or suggest the particular policy feature comprises a service class selection feature of specifying a service class with respect to a network port used by the party (as disclosed by claim 45 and 39), where the service class comprises a ABR service... purported motivation to combined cited references is merely conclusory and based on impermissible hindsight... purported motivation to

combined cited references is merely conclusory and based on impermissible hindsight…" in

page 106-108.

In response to applicant's argument, the examiner respectfully disagrees with the

argument above. Buyukkoc discloses particular policy feature comprises a service class selection

feature of specifying a service class with respect to a network port used by the party as set forth

above in section L.1. since the combined system of Buyukkoc, Gai and Kilkki "as a whole"

discloses applicant claimed invention. The ATM class of services a real-time VBR service, non-

real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR) is well known in ATM

standard. Kilkki teaches available bit-rate (ABR) (see col. 1, line 54-67; ABR). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was

made to provide quality of service class defined by ATM standard, as taught by Kilkki in the

combined system of Buyukkoc and Gai, so that it would provide a capability to manage increases

in network load, supporting both real-time and non-real time application, and offering, in certain

circumstances, a guaranteed level service quality; see Kilkki col. 1, line 44-53, also by using the

ATM standard services, it will enable the service provider to interoperate between multi-vendor

networks.

In response to applicant's argument that one would not be motivated to incorporate

this alleged feature into Buyukkoc, the test for obviousness is not whether the features of a

secondary reference may be bodily incorporated into the structure of the primary reference; nor

is it that the claimed invention must be expressly suggested in any one or all of the references.

Rather, the test is what the combined teachings of the references would have suggested to those

of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

R.4. Regarding claim 65, the Appellants argued that, "...claim 65 is patentable over Buyukkoc, Gai and Basso whether taken alone or in any reasonable combination, for at least the reason given above with respect to claim 45..." in page 108-109.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. Since the appellant argument is respect to claim 45, please see above response set forth in section L.1 with respect to claim 45.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

The following summarize of the responses, which are applicable to all applicant arguments.

I. The applicant's broad claimed limitation "**policy profile having a plurality of policy features**" is anticipated by Buyukkoc RSD's "**connection rules/policy such as connectively**

information, threshold, quality of service, capacity, and/or status of loading/congestion".

Since both applicant's disclosure and the Buyukkoc disclosed the identical function as set forth

in response to argument paragraph A.1.

II. Applicant's broad claimed limitation **"at least one policy profile"** is anticipated

Buyukkoc's **"quality of service priority of a request call"**. where a new call from a

user/customer/ subscriber has a priority associated with different quality of service, and RCD

invokes "priority or quality-of-service" rule/policy for QoS traffic of call which

associated/corresponded to a user/subscriber such as "green", "yellow" or "red" for establishing

a call based on its request. Moreover, it also clear that Buyukkoc discloses determining if a

particular policy feature is to be invoked (i.e. bandwidth control/management, class-of-service,

and/or loading/congestion of network (i.e. concurrent calls connection in progress) in a policy

server/RSD, based at least in part on said signaling/request message, and if so, determining in

accordance with a rule/policy/guide line of bandwidth control/management, class-of-service

and/or loading/congestion of network (i.e. concurrent calls connection in progress) for

request/signaling message and as set forth above rejection and response in section A.1.

III. Regarding appellant argument on the motivation by citing KSR International Co. v.

Teleflex Inc., appellant is clearly **overlooking and ignoring** the <u>teaching</u> of the references,

<u>suggestions</u> of the references <u>and</u> <u>motivations</u> recited in the prior art references themselves, and

in this case examiner has clearly shown the obviousness of combining references while

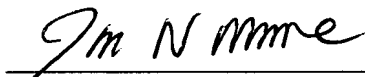satisfying the requirement of the law.

IV. Regarding the argument is based upon improper hindsight reasoning, so long as it

takes into account only knowledge which was within the level of ordinary skill at the time the

claimed invention was made, and does not include knowledge gleaned only from the applicant's

disclosure, such a reconstruction is proper. In this case, examiner has clearly shown the

"reasoning" from the <u>teaching</u> of the references, <u>suggestions</u> of the references <u>and motivations</u>

recited in the prior art references themselves, and they do <u>not include</u> knowledge gleaned only

from the applicant disclosure since the applicant <u>broadly</u> <u>claimed</u> invention utilizes the <u>standard</u>

<u>and basic</u> call process in Asynchronous Transfer Mode (ATM) network for a user/caller to

established connection based upon a rule/policy according to ATM standards, which is well

known and established in the art. One skilled in the ordinary art clearly sees these facts in view

of the above prior arts.

For the above reasons, it is believed that the rejections should be sustained.
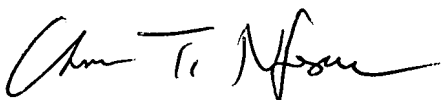
Respectfully submitted,

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August 6, 2007

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